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Sprint Spectrum L.P. d/b/a Sprint Nextel
and Nextel Finance Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JUDY LARSON, BARRY HALL, JOE
MILLIRON, TESSIE ROBB and
WILLIE DAVIS, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

AT&T MOBILITY LLC f/k/a
CINGULAR WIRELESS LLC and
SPRINT NEXTEL CORPORATION
and SPRINT SPECTRUM L.P. d/b/a
SPRINT NEXTEL and NEXTEL
FINANCE COMPANY,

Defendants.

No. 2:07-cv-05325-JLL-ES

**DECLARATION OF
LAURI A. MAZZUCHETTI**

Lauri A Mazzuchetti declares under penalty of perjury pursuant to 28

U.S.C. § 1746 that:

1. I am an attorney at law duly authorized to practice before the court of the State of New Jersey and this Court and a member of the law firm of Kelley Drye & Warren LLP. I submit this declaration in support of Sprint Nextel's Order to Show Cause to: (1) stay the California Litigation and direct the Bursor Group to notify the California State courts of the stay and to withdraw its applications in the California Litigation; and (2) enjoin and restrain the Bursor Group from prosecuting any further proceedings that could result in any ruling or judgment that would conflict with this Court's Final Judgment or otherwise interfere with the Settlement and this Court's continuing jurisdiction of the Settlement Class pursuant to the All Writs Act.

2. After a contested All Writs Act proceeding that concluded with a lengthy hearing before this Court on January 15, 2009, this Court issued an Order filed on January 16, 2009 (Docket No. 139) temporarily enjoining Subscriber Class Counsel from any further prosecution of its claims in the California State Court. A true and correct copy of that Transcript is annexed hereto as Exhibit A. That stay remained in effect through the time that this Court issued its Order (Docket No. 437) and Opinion (Docket No. 438) on January 15, 2010 approving the Settlement in this matter.

3. On February 16, 2010, this Court entered the Final Judgment (Docket No. 470) permanently enjoining further prosecution of any action or

proceeding by a Settlement Class Member against Sprint with respect to Class Related Claims.

4. Prior to this Court's entry of the Final Judgment, Sprint moved to dismiss the Subscriber Class Case based on res judicata. Judge Smith denied the TRO application and granted Sprint's Motion to Dismiss. A true and correct copy of Judge Smith's Order dated March 9, 2010 is annexed hereto as Exhibit B.

5. After the entry of the Final Judgment, barring further litigation, Ms. Zill through her counsel appealed the dismissal of the absent Subscriber Class members claims in *Larson* (the "California Appeal"). A true and correct copy of the Appellant's Opening Brief is annexed hereto as Exhibit C.

6. On December 20, 2010, Sprint filed an Application to, *inter alia*, stay the California Appeal. (Docket No. 603).

7. On January 26, 2011, Alan R. Plutzik requested dismissal of the Application on the basis that he filed a Motion to Stay the California Appeal pending the outcome of the appeals pending before the Third Circuit. (Docket No. 615).

8. On March 3, 2011, this Court denied Sprint's Application without prejudice to be renewed in the event the California Court of Appeals denied the Stay Motion. (Docket No. 621).

9. By letter dated March 4, 2011, Sprint informed this Court that the California Court of Appeals denied the Stay Motion, and therefore, renewed its Application. (Docket No. 622).

10. By order and opinion dated March 21, 2011, this Court enjoined the California Appeal pursuant to the All Writs Act. (Docket Nos. 626 & 627).

11. On June 29, 2011, the United States Court of Appeals for the Third Circuit vacated the Final Order and remanded this matter for further proceedings. A true and correct copy of that Opinion is annexed hereto as Exhibit D.

12. On July 3, 2012, the Bursor Group filed a Status Report in the Court of Appeals of the State of California First Appellate District, Division Five, Docket No. A128026 requesting that the stay in the California Appeal be lifted.

13. On July 6, 2012, the Bursor Group filed a motion for an order lifting the stay of the Nextel proceedings in *Robertson v. Nextel Commc'ns, Inc.*, Case No. RG03114214, Calif. Super. Ct., Alameda County.

I declare under penalty of perjury that the foregoing statements are true and correct and acknowledge that if they are willfully false I am subject to punishment under penalty of perjury.

Dated: July 16, 2012

s/Lauri A. Mazzuchetti
Lauri A. Mazzuchetti